

Evan Livingstone, SBN 252008
CALIFORNIA RURAL LEGAL ASSISTANCE, INC.
1160 N Dutton Ave, Ste 105
Santa Rosa CA 95401
Phone: (707) 528-9941
Fax: (707) 528-0125
Email: elivingstone@crla.org

Attorney for Debtor Mary Tilbury

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Mary Tilbury

Debtor(s)

Case No. 21-40945

Chapter 13

**DEBTOR'S OPPOSITION TO
TRUSTEE'S MOTION TO DISMISS
CHAPTER 13 PLAN**

Judge: Hon. William J. Lafferty

Debtor Mary Tilbury submits this opposition to the Chapter 13 Trustee's Motion to Dismiss Debtor's Chapter 13 Case, filed on December 21, 2021.

Debtor has filed an amended plan which has the following Nonstandard Provisions:

7.01. CA Mortgage Relief Program Homeowner Assistance Fund: Debtor shall apply for assistance from the CA Mortgage Relief Program Homeowner Assistance Fund, which will pay all of the mortgage arrears due to secured creditor Fay Servicing LLC, servicer for U.S. Bank Trust, which holds the first mortgage on Debtor's home. The estimated arrears are \$48,000.

7.02. Reverse Mortgage Application: Debtor shall apply for a reverse mortgage which will pay off the full claim of secured creditor Fay Servicing LLC, servicer for U.S. Bank Trust which is approximately \$554,000, as well as the lien of CalHFA Mortgage Assistance Corporation which is \$97,000, and the lien of Energy Remodeling, Inc., which is about \$51,000.

Debtor has completed an application for a reverse mortgage, and taken the HUD counseling class necessary to complete the application. The mortgage broker is:

Carol Dana Fullam, EA, CFO, NMLS 321309
Trinity Mutual NMLS 313571
1600 S Main St. Suite 195, Walnut Creek, CA 94596
925-433-2470 : 800-880-7317: cfullam@trinitymutual.com

1 In addition, Debtor has started an application for CA Mortgage Relief Program
2 Homeowner Assistance Funds through the website at <https://camortgagerelief.org/>.

3 The only remaining document required to complete the application is a letter from the
4 Chapter 13, trustee authorizing the debtor to receive funds from this program.

5 Finally, should a reverse mortgage be approved, Debtor will seek authorization from the
6 court and/or permission from the trustee to borrow these funds.

7 Secured creditor Fay Servicing LLC, servicer for U.S. Bank Trust, will not be prejudiced
8 by any delay in confirmation because their interest in debtor's home is over-secured.

9 Wherefore, Debtor requests that the Court not dismiss her Chapter 13 case and give her
10 more time to confirm a plan.

11 Dated January 11, 2022

/s/Evan Livingstone
Evan Livingstone

14 Declaration of Debtor

15 I, Mary Tilbury, declare as follows:

- 16 1. I am the debtor in this bankruptcy case.
- 17 2. I have applied for a reverse mortgage from Trinity Mutual, and taken the HUD
18 counseling class.
- 19 3. I have started an application for CA Mortgage Relief Program Homeowner
20 Assistance Funds through the website at <https://camortgagerelief.org/>

21 I declare under penalty of perjury of the laws of the United States that the foregoing is
22 true and correct.

23 Executed on January 11, 2022 in Oakland, California.

/s/ Mary Tilbury
Mary Tilbury